

REGARDING PETITIONS FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE

PLEASE TAKE NOTICE

Effective immediately, all parties who make submissions, after an initial filing, in **Special Exception**, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purposes of this requirement, a party includes:

1. Counsel of record who have formally entered their appearance;
2. The People's Counsel for Montgomery County if he has filed a Notice of Intention to Participate in a case;
3. Any person to whom the Board has granted Intervener status and;
4. The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties.

Effective thirty (30) days from the publication of this Notice, failure to supply such written certification will result in refusal of the submission.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY, MARYLAND**

**INSTRUCTIONS FOR FILING PETITION FOR SPECIAL EXCEPTION
(Please Read Carefully)**

1. **Address correspondence to: Chairman, Board of Appeals for Montgomery County, Stella B. Werner Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850 (Telephone number: 240-777-6600)**
2. **At the time of filing an application, the correct fee must be paid in accordance with the current schedule of fees adopted by the Montgomery County Council. Checks or money orders should be made payable to Montgomery County, Maryland. Cash cannot be accepted. No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee.**

**DATA TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
(Section 59-A-4.22, Montgomery County Code 1994, as amended)**

Each Petition for Special Exception must be accompanied at the time of its filing by four (4) copies of all documents that include:

1. Survey plats, or other accurate drawings, showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition.
3. Statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved, and any special conditions or limitations which the applicant proposes for adoption by the Board.
4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
5. An original Certified copy of official zoning vicinity map of 1,000 foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. Purchase maps from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, (Phone: 301-495-4610). **The complete, original map (as issued by MNCPPC) and three (3) copies must accompany the petition.**
6. If petitioner is not the owner of the property involved, lease, rental agreement, or contract to purchase by which petitioner's legal right to prosecute the petition is established.
7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan deemed pertinent by the petitioner. (Available at M-NCPPC, 8787 Georgia Avenue, Silver Spring.)
8. A preliminary forest conservation plan prepared in accordance with Chapter 22A and an approved natural resources inventory prepared in accordance with technical manual adopted by the Planning Board and in addition:
 - (i) Other natural features, such as rock outcroppings and scenic views; and
 - (ii) Historic buildings and structures.
9. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
10. All additional exhibits which the petitioner intends to introduce.
11. Summary of what the petitioner intends to prove, including the names of petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the petitioner's case.
12. A listing of the names and mailing addresses of the adjoining and confronting property owners (see Section 59-A-4.46) who are entitled to notice of the filing. This information is available from the State Department of Assessments and Taxation, 51 Monroe Street, Third Floor, Rockville, Maryland, 20850, (Phone: 301-279-1355). Please also list any local citizens associations and any municipality or special taxing district within which the property is located. Please use BOA Form 5.

IMPORTANT

It is suggested that petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1.2 of the Zoning Ordinance and the particular subsection pertaining to the use desired. (All exhibits of record should be reduced to 8 1/2x14".)

Special Exception petitions require that a Board of Appeals' sign be posted on the property within three (3) days after the application is accepted by the office. A deposit for the sign of \$111.00 is required: \$83.00 will be refunded to the applicant when the sign is returned.

**BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600**

(Please note instructions on reverse side)

(PLEASE PRINT)

Petition is hereby made for a special exception under the Zoning Ordinance for the Montgomery-Washington Regional District in Montgomery County, Maryland (Chap. 59, Mont. Co. Code 1994, as amended) as follows:

Petitioner(s) _____

Property to be used: Lot _____ Block _____ Subdivision _____

Street Address. _____ City _____ State _____ Zip _____

Zone Classification _____ Tax Account No. _____

Proposed Use _____

Zoning Ordinance subsection providing for proposed use: Sec 59-G-2. _____
(in accordance with sections 59-G-1 through 59-G-2)

Owner of property: Name _____
Address _____

Petitioner's present legal interest in above property: (check one)

☐ Owner (including joint ownership)
 ☐ Lessee
 ☐ Tenant other than lessee
 ☐ Contract Purchaser
☐ Other (Describe) _____

Has any previous application for a special exception involving this property been made to the Board of Appeals, by this Petitioner, or by anyone else to this Petitioner's knowledge? _____

If so, give Case Number(s): _____

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information.

I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Signature of Attorney - **(Please print next to signature)**

Signature of Petitioner(s) – *(Please print next to signature)*

Address of Attorney

Address of Petitioner(s)

Telephone Number

Home Telephone Number

Work Telephone Number

(OVER)

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS
(Please see information on reverse side)

NAME	ADDRESS (Please add Zip Code)	LOT/PARCEL	BLOCK